

ARKANSAS SUPREME COURT

No. CR 08-346

KENNETH GRAY
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered October 2, 2008

APPELLEE'S MOTION TO DISMISS
APPEAL [CIRCUIT COURT OF
JEFFERSON COUNTY, CR 2006-08,
HON. ROBERT H. WYATT, JR.,
JUDGE]

MOTION GRANTED; APPEAL
DISMISSED.

PER CURIAM

A judgment and commitment order entered on December 15, 2006, reflects that appellant Kenneth Gray entered a negotiated plea of guilty to first-degree murder, attempted capital murder, and possession of a firearm by a felon and was sentenced to an aggregate term of 360 months' imprisonment in the Arkansas Department of Correction. Appellant timely filed a pro se petition for postconviction relief under Arkansas Rule of Criminal Procedure 37.1 that was dismissed by the trial court. Appellant lodged an appeal of that order in this court, and the State now brings this motion to dismiss the appeal.

The State's motion is based upon appellant's failure to file a brief within the time required. Appellant's brief was due to be filed in this court on April 28, 2008. As of this date, appellant has failed to tender a brief and has not requested an extension of time in which to file his brief. Accordingly, the State's motion is granted and the appeal is dismissed.

Motion granted; appeal dismissed.

Wills, J., not participating.